



HB

1

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FORM FOR USE IN APPLICATIONS FOR HABEAS CORPUS UNDER 28 U.S.C. § 2254  
(eff. 12/1/04)

DOMINGO COLON MONTAÑEZ PETITIONER  
(Full Name) (Include name under which you were convicted) **07 - 1200**

vs.

Case No. \_\_\_\_\_  
(Supplied by the Court)

HARRY EDWARD WILSON RESPONDENT

(Name of Warden, Superintendent, Jailor, or authorized person having custody of petitioner)  
Trial and Sentencing Judge and Stephen B. Lieberman, Jr.  
THE DISTRICT ATTORNEY OF THE COUNTY OF MARK C. BALDWIN, Esq.  
and THOMAS W. CORBETT, Jr.  
THE ATTORNEY GENERAL OF THE STATE OF PENNSYLVANIA

ADDITIONAL RESPONDENT

Domingo Colon Montañez, ED-3826  
Name SCI-Fayette Prison Number  
50 Overlook Drive, Box 9999, LaBelle, PA 15450-0999  
Place of Confinement

(If petitioner is attacking a judgment which imposed a sentence to be served in the future, petitioner must fill in the name of the state where the judgment was entered. If petitioner has a sentence to be served in the future under a federal judgment which he wishes to attack, he should file a motion under 28 U.S.C. § 2255, in the federal court which entered the judgment.)

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

INSTRUCTIONS-READ CAREFULLY

1. You must include all potential claims and supporting facts for which you might desire to seek review because a second or successive habeas corpus petition cannot be filed except under very specific and rare circumstances requiring certification by the Third Circuit Court of Appeals as set forth in instruction # 13.

2. Your habeas corpus petition must be filed within the 1-year statute of limitations time limit set forth in 28 U.S.C. § 2244(d)(1). (There are limited circumstances in which the petition may be amended, within the one-year time period, to add additional claims or facts, see Federal Rules of

Civil Procedure 15; or amended after the one-year period expires, in order to clarify or amplify claims which were timely presented, see United States v. Thomas, 221 F. 3d 430 (3d Cir.2000.)

3. Any false statement of a material fact in your petition, in a motion for leave to proceed in forma pauperis, or in any other motion you file in this case may serve as the basis for prosecution and conviction for perjury.

4. This petition must be typewritten, printed, or legibly handwritten and signed by you as the petitioner or by your representative on Page 11. You should answer all questions concisely in the proper space of the petition. If you need more room to answer any question, you may write on the reverse blank sides of the petition.

5. You may not attach additional pages to the petition. You do not have to list or cite the cases or law that you are relying on. If you do want to cite the cases and law you are relying on and make legal arguments, you should do so in a separate concise brief or memorandum which should be filed along with the petition.

6. When you file your petition, you must include a filing fee of \$5.00. If you cannot pay the full filing fee, you must request permission to proceed in forma pauperis as explained in instruction # 8.

7. Your petition will be filed if you have followed these instructions and it is in proper order.

8. To request permission to proceed in forma pauperis without paying the full filing fee, you must completely fill out pages 12 through 18 of the petition. You should answer all questions and sign where indicated on Pages 12 and 18. You should see to it that an authorized prison official completes the certification on Page 19. You must prove that you cannot pay the full filing fee and other costs because of poverty and a discharge in bankruptcy will not excuse you from this requirement. The Court will let you know if you may proceed in forma pauperis.

9. Only final judgments entered by one state court may be challenged in a single petition. If you seek to challenge judgments entered by different courts either in the same state or in different states, you must file separate petitions as to each court.

10. As required by 28 U.S.C. § 2254(b)(1), you must have exhausted all claims that you are making in your petition. This means that every claim must have been presented to each level of the state courts. If you file a petition that contains claims that are not exhausted, the federal court will dismiss your petition. 28 U.S.C. § 2254(b)(2) provides that if it is perfectly clear that no colorable claims are presented, the federal court can also deny your petition on the merits.

11. As required by 28 U.S.C. § 2254(e)(1), a federal court, when considering your habeas corpus petition, must deem as correct a determination of fact made by a state court unless you rebut the presumption of correctness by clear and convincing evidence. Under 28 U.S.C. § 2254(e)(2), if

you have failed to develop the factual basis of a claim in state court proceedings, a federal court cannot hold an evidentiary hearing on that claim unless you show that:

(i) the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the U.S. Supreme Court, that was previously unavailable,

or

(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence.

You must also show that the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable fact finder would have found you guilty of the offense in question.

12. As required by 28 U.S.C. § 2244(b)(1), a federal court must dismiss any claim in a second or successive habeas corpus petition that *was* presented in a prior habeas corpus petition.

13. As required by 28 U.S.C. § 2244(b)(2), a federal court must dismiss any claim in a second or successive habeas corpus petition that *was not* presented in a prior habeas corpus petition unless you show:

(A) the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the U.S. Supreme Court, that was previously unavailable;

or

(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence, and (ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable fact finder would have found you guilty of the offense in question.

Before such a second or successive petition may be filed in the district court, however, the petitioner must move the court of appeals for an Order authorizing the district court to consider the petition. Petitioner's motion for such an Order must be determined by a three judge panel of the court of appeals, which must grant or deny the motion within 30 days. The court of appeals may grant the motion only if it determines that the petition makes a prima facie showing that it satisfies either (A) or (B) above.

14. 28 U.S.C. § 2254(i) provides that ineffectiveness of counsel during post-conviction, habeas corpus and P.C.R.A. proceedings in state or federal court may not be grounds for relief in your petition.

15. When the petition is fully completed, the original and four copies must be mailed to the Clerk of the United States District Court, Room 2609, 601 Market Street, Philadelphia, PA 19106. You must return all pages, including these instructions.



## PETITION

1. (a) Name and location of court which entered the judgment of conviction under attack:

Common Pleas Courthouse, Berks County, 633 Court St. 4<sup>th</sup> FL. Reading, PA. <sup>19601</sup>(b) Name of Prosecutor: Michael Stackow, A.D.A.(c) Prosecution conducted by District Attorney's Office of Berks  
County

2. (a) Date of Judgment of conviction:
- November 17, 1999
- 
- 18 Pa.C.S.A. §§ 3121, 3124(1), 3126(a)(1), 3123(a)(1),
- 
- (b) Indictment number or numbers:
- 2701(a)(1), 2702(a)(1).

Term: 1999 Criminal Case Number: CP-06-CR-1093-1999

3. Length of sentence:
- 5 1/2<sup>yrs</sup> to 20 yrs
- Sentencing Judge:
- Stephen B. Lieberman, Jr.

4. Nature of offense or offenses for which you were convicted:
- Rape, Sexual Assault,
- 
- Indecent Assault, Simple Assault.

5. What was your plea? (Check one)

(a) Not guilty ☒ (b) Guilty ( ) (c) Nolo contendere ( )

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

6. If you pleaded not guilty, what kind of trial?: (Check one) (a) Jury
- ☒
- (b) Judge only ( )

7. Did you testify at the trial? Yes ( ) No
- ☒
- The racist Judge obstructed my right.
- 
- Mr. Adams said to me that if I take the witness stand and say to the Jurors
- 
- that Det. Kellett was fabricating evidence, the Judge was going to hang me because
- 
8. Did you appeal from the judgment of conviction? Yes
- ☒
- No ( )
- the Judge is a friend of
- 
- Det. Kellett.

9. If you did appeal, answer the following:

- (a) Name of court: Superior Court of PA. (Middle District.)
- (b) Result: Affirmed, and Application for reargument, <sup>(Denied)</sup> Affirmed.
- (c) Date of result and citation, if known: 2-16-01, Appeal NO. 483 MDA 2000.
- (d) Grounds raised: The weight of the evidence was against the verdict. The accuser's testimony was not credible, Tracy Lee Forcht lied at the preliminary hearing & trial.
- (e) If you sought further review of the decision on appeal by a higher state court, please answer the following: NO because Mrs. Chiodo was very ineffective on direct appeal.
- (1) Name of court: \_\_\_\_\_
- (2) Result: \_\_\_\_\_
- (3) Date of result and citation, if known: \_\_\_\_\_
- (4) Grounds raised: \_\_\_\_\_
- (f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:
- (1) Name of court: \_\_\_\_\_
- (2) Result: \_\_\_\_\_
- (3) Date of result and citation, if known: \_\_\_\_\_
- (4) Grounds raised: \_\_\_\_\_

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal? Yes ( ) No ( )

11. If your answer to 10 was "yes," give the following information:

- (a) (1) Name of Court: Common Pleas Courthouse, Berks County, Reading, PA.
- (2) Nature of proceeding: Motion for a new trial on 2-5-01, and a Post Conviction Relief Act Motion, on 3-26-01.

## Motion for a new trial,

(PCRA) grounds: (3) Grounds raised: Confrontation Clause, ineffective assistance of Counsel, deceitful evidences, I was not afforded a fair and impartial trial, the Judge was very unfair, racist, partial, Bias, and abused his discretion during the entire jury trial. Trial Counsel was very, very ineffective during the entire jury trial. Trial Counsel was very ineffective for failure to present a defense at trial. Gail Chiodo, Esq. was very ineffective for failing to file post sentence motions on my behalf. I requested the complete discovery of my entire case. I was denied discovery.

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ( ) No ☒

(5) Result: Dismissed. Judge Lieberman denied me an evidentiary hearing to prove the facts on my Pro Se PCRA Motion.

(6) Date of result: 8-22-01

(7) Did you appeal the result to a higher court? Yes ( ) No ☒

Court Name(s) \_\_\_\_\_

Result(s) \_\_\_\_\_

Result Date(s) \_\_\_\_\_

(b) As to any second petition, application or motion give the same information:

(1) Name of Court: Common Pleas Courthouse, Berks County, Reading, PA.

(2) Nature of proceeding: 2nd Subsequent Post Conviction Relief Act

Motion dated 7-3-02, finished 8-14-02, and filed on 8-21-02.

Racial Profile, miscarriage of justice, ineffective assistance of Counsel, unfair trial, Judge was very Bias, partial, racist, and unfair. Judge's conspiracy with John T. Adams, Michael Stackow, Det. Kelleth, Gerald E. Johnson, Mark C. Baldwin, Esq., of mis leading the Juries so they could convict me innocent on false accusations, false charges, false and fabricated evidences, false and unlawful conviction, and a vicious, serious, racial discrimination, miscarriage of justice case done to a Hispanic Puerto Rican in a court of law in Berks County, Reading, PA. Court room 4A, where racist corrupted Judge Stephen B. Lieberman, Jr. was and is the Judge. Illegal sentence. Prosecutorial Misconduct.

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ( ) No ☒

(5) Result: Dismissed as untimely, without a notice of intent

to dismiss or a evidentiary hearing to prove the facts on my 63 Page brief with 157 exhibits of the trial transcript. nor appointment of Counsel. He abused his discretion like always. He has not giving me a fair chance to prove my innocence again.



(6) Date of result: 10-4-02

(7) Did you appeal the result to a higher court? Yes ☒ No ( )

Court Name(s) Superior Court of PA. (Middle District.)

Result(s) Affirmed, Appeal No. 1687 MDA 2002

Result Date(s) Approximate 10-31-03

(c) As to any third petition, application or motion give the same information:

(1) Name of Court: Common Pleas Courthouse, Berks County, Reading, PA.

① Motion for legal documents for appeal. ② Motion for copies of the records, the petition to withdraw ineffective assistance of counsel in (2) Nature of proceeding: the 1st PCRA, copies of the 1st PCRA date 3-27-01, copies of the sentencing hearing transcript, trial transcript. ③ Motion to stop the 20% deductions from my inmate account. ④ Nunc Pro Tunc motion to vacate and/or reconsider fines, costs, and restitution.

(3) Grounds raised: ① Discovery request. ② request for copies of records and transcripts. ③ requested the trial and sentencing Judge to order the state officials at SCI-Moutzdale to stop deducting 20% out of my inmate account. ④ requested the Judge to vacate or reconsider the sentence of fines, costs, and restitution, and challenge the illegal sentence on appeal of fines, costs, and restitution as well as the 5 1/2 to 20 yrs sentence.

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ( ) No ☒

(5) Result: ① Motion denied on 1-8-03. ② Motions denied on 1-24-03.

③ Motion denied on 3-28-03. ④ Motion denied on 5-1-03.

Racist Judge Lieberman, Jr. has viciously abused his discretion and denied me all relief requested in all the motions I have filed in his racist Courthouse.

(6) Date of result: 1-8-03, 1-24-03, 3-28-03, 5-1-03.

(7) Did you appeal the result to a higher court? Yes ☒ No ( )

Court Name(s) Superior Court of PA. (Middle District.)

Superior Court abused their discretion and denied all my Result(s) appeals. Numbers, 167, 241 MDA 2003; 604, 750 MDA 2003.

Result Date(s) Approximate 10-31-03, along with 1687 MDA 2002. Review the Back of this page for more information, and Motions, petitions filed in the lower court.



(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

*I did not file an appeal to the Superior Court of the 1<sup>st</sup> PCRA Motion timely filed because I was in the (RHU) restricted housing unit at SCI-PHG 24hrs lockdown on my cell with no legal papers in my cell nor was I afforded adequate time in the RHU law library. I did not know what to do because I was not knowledgeable on the law, Pa. R. Crim. P. or Pa. R.A.P. I waited until I was transferred to another institution at SCI-Montzdale that's when I filed the 2<sup>nd</sup> PCRA Motion with 63 pages brief and 157 exhibit of the trial transcript. I also told the clerk that I was going to take my case to the*

12. State *concisely* every ground on which you claim that you are being held unlawfully. Give specific facts supporting each ground. *Federal Court.*

**CAUTION:** In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies, you should set them forth in this petition if you wish to seek federal relief. If you fail to set forth all such grounds in this petition, you may be barred from presenting them at a later date.

For information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted all your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure, (where the state has not provided a full and fair hearing on the merits of the Fourth Amendment claim).
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest, (where the state has not provided a full and fair hearing on the merits of the Fourth Amendment claim).
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

Also review the facts in the attached Memorandum in support of this petition.

A. Ground one: I am a innocent Man incarcerated under cruel and unusual punishment in violation of the 8th Amendment of the United States Constitution. Please review the completed discovery for case No. 1093-99, review the preliminary hearing transcript, trial transcript, sentencing transcripts, and all the motions, PCRA, briefs, I have filed in the Common Pleas Courthouse, Superior Court, and Supreme Court.  
Supporting FACTS (state briefly without citing cases or law):

See the attached Memorandum of facts in support of this Petition for a Writ of Habeas Corpus Pages 1-71, for your review and disposition.

B. Ground two: The weight of the false, fabricated, deceitful evidences is against the null and void verdict, including the accuser's testimony at the preliminary hearing and at trial, (Exd) conviction obtained by use of evidence gained pursuant to an unconstitutional seizure, and by use of evidence obtained pursuant to an unlawful arrest.

Supporting FACTS (state briefly without citing cases or law):

review the attached Memorandum of facts in support of this Petition for a writ of Habeas Corpus Pages 1-71, for your review and disposition.

C. Ground three: Unfair trial, Judicial bias, Partial. Ground four: Prosecutorial misconduct. Ground Five: Brady Violation (F) conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.

Supporting FACTS (state briefly without citing cases or law):

See the attached Memorandum of facts in support of this petition for a Writ of Habeas Corpus Pages 1-71, for your review and disposition.

six (1)  
D. Ground four: Denial of effective assistance of counsel. Ground seven: Illegal sentence of fines, costs, and restitution as well as the commitment sentence of 5 1/2 yrs to 20 yrs. Ground eight: Tampered, bogus, not legally certified transcripts. Ground nine: Racism, discrimination, miscarriage of justice.  
Supporting FACTS (state briefly without citing cases or law):

See attache Memorandum of facts in support of this

Petition for a writ of Habeas Corpus Pages 1-71,  
for your review and disposition.

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them:

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes ( ) No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing: Marlene Mohn, Esq. (801) 532-5444  
Salt Lake Legal Defender ASS, 424 E. 500 South Ste 300,  
Salt Lake City, UT 84111

(b) At arraignment and plea: Craig A. Snyder, Esq. (610) 478-6650  
Berks Co. Pub. Defenders Offc, 633 Court St, 12th Fl, Reading, PA 19601

(c) At trial: John T. Adams, Esq. (610) 374-7320  
1220 Mineral Spring Rd, P.O. Box 461, Reading, PA 19603-0461

(d) At sentencing: John T. Adams, Esq. (610) 374-7320

Same as above

(e) On appeal: Gail M. Chiodo, Esq. (610) 670-5509  
17 Fox Glen Drive, Sinking Spring, 19608

(f) In any post-conviction proceeding: Michael Dautrich, Esq.



(g) On appeal from any adverse ruling in a post-conviction proceeding: I have

acted Pro Se since attorney Michael Dautrich, 1<sup>st</sup> PCA

in all the Courts mentioned herein, not knowing the law or Pa. R. Crim. P. or Pa. R. A. P. back then. Now I know a little bit.

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☒ No ( )

4 counts of the indictment: Rape, sexual Assault, indecent Assault, simple Assault.

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack? Yes ( ) No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future:

\_\_\_\_\_  
\_\_\_\_\_

(b) And give date and length of sentence to be served in the future: \_\_\_\_\_

\_\_\_\_\_

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future? Yes ( ) No ( )

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 03/20/2007 Domingo Colón Montañez, ED-3826  
Date Petitioner's Signature of

cc: File, D.C.M.

Signature of Petitioner's Representative  
Domingo Colón Montañez, ED-3826

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding. An evidentiary hearing and/or immediate discharge from custody, appointment of counsel, In the alternative a new trial within 30 days.

I am acting Pro Se  
Signature of Attorney (if any)



Copy

11

Affidavit Accompanying Motion for Permission to Proceed in the District Court and/or on Appeal in Forma Pauperis in Habeas Corpus Cases under 28 U.S.C. Sections 2241 and 2254.

United States District Court for the Eastern District of Pennsylvania

Domingo Colon Montañez  
(Plaintiff)

**FILED**  
MAR 26 2007  
MICHAEL E. KUNZ, Clerk  
By [Signature] Dep. Clerk

V.  
Harry Edward Wilson  
Stephen B. Lieberman, Jr.  
Mark C. Baldwin, Esq.  
Thomas W. Corbett, Jr.  
(Defendant(s))

District Court Case No. \_\_\_\_\_

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**Affidavit in Support of Motion**

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed Domingo Colon Montañez  
Petitioner or Petitioner's Representative

**Instructions**

Complete all questions in the application and then sign it. Do not leave any blanks. If the answer to a question is "O," "none," or "not applicable" ("N/A"), write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: 03/20/2007

My issues are:

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1. For both you and your spouse, estimate the average amount of money received from each of the following sources during the past twelve (12) months. Adjust any amount that was received weekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income Source	Average Monthly amount during the past 12 months	Amount expected Next Month
Employment	\$ <u>N/A</u>	\$ <u>N/A</u>
Self-employment	\$ <u>N/A</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>N/A</u>	\$ <u>N/A</u>
Interest and Dividends	\$ <u>N/A</u>	\$ <u>N/A</u>
Gifts	\$ <u>some time my family sends me some</u>	\$ <u>I don't know if they are going to send me any.</u>
Alimony	\$ <u>N/A</u>	\$ <u>N/A</u>
Child Support	\$ <u>N/A</u>	\$ <u>N/A</u>
Retirement (such as social security, pension, annuities, insurance)	\$ <u>N/A</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payment)	\$ <u>N/A</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>N/A</u>	\$ <u>N/A</u>
Public Assistance (such as Welfare)	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify):	\$ <u>Prison Idle Pay starting next month to pay me.</u>	\$ <u>7.00</u>
Total Monthly Income:	\$ <u>average 30 days about \$15.00.</u>	\$ <u>7.00</u>

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross Monthly Pay
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

3. List your spouse's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross Monthly Pay
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

4. How much cash do you and your spouse have? \$ N/A

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

If you are a prisoner, you must attach a statement *certified by the appropriate institutional officer* showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home(Value)	Other estate Real(Value)
<u>N/A</u>	<u>N/A</u>
<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>

## Motor Vehicle # 1

Value N/A

Make & Year                     

Model                     

Registration #:                     

## Motor Vehicle # 2

Value N/A

Make & Year                     

Model                     

Registration #:                     

## Other Assets

## Value of other assets

<u>N/A</u>	<u>N/A</u>
<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your  
Spouse money

Amount owed to you

Amount owed to your  
Spouse

<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>



## 7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>At this time none</u>	<u>Sons, daughters</u>	<u>?</u>
	<u>Father, mother</u>	<u>?</u>

## 8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home mortgage payment (include lot rented for mobile home)	\$ <u>N/A</u>	\$ <u>N/A</u>
Are real estate taxes included?	Yes <u>N/A</u>	No <u>N/A</u>
Is property insurance included?	Yes <u>N/A</u>	No <u>N/A</u>
Utilities (electricity, heating fuel, water, sewer and telephone)	\$ <u>N/A</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>N/A</u>	\$ <u>N/A</u>
Food	\$ <u>N/A</u>	\$ <u>N/A</u>
Clothing	\$ <u>N/A</u>	\$ <u>N/A</u>
Laundry & Dry-Cleaning	\$ <u>N/A</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>N/A</u>	\$ <u>N/A</u>
Transportation (not including motor vehicle payments)	\$ <u>N/A</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>N/A</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in Mortgage payments)	\$ <u>N/A</u>	\$ <u>N/A</u>
Homeowner's or Renter's	\$ <u>N/A</u>	\$ <u>N/A</u>
Life	\$ <u>N/A</u>	\$ <u>N/A</u>
Health	\$ <u>N/A</u>	\$ <u>N/A</u>

Motor Vehicle

\$ N/A\$ N/AOther: N/A\$ N/A\$ N/A

Taxes (not deducted from wages or included in Mortgage payments)

(specify): N/A\$ N/A\$ N/A

Installment payments

\$ N/A\$ N/A

Motor Vehicle

\$ N/A\$ N/ACredit Card (name): N/A\$ N/A\$ N/ADepartment Store (name): N/A\$ N/A\$ N/AOther: N/A\$ N/A\$ N/A

Alimony, maintenance, and support paid to others

\$ N/A\$ N/A

Regular expenses for operation of business, profession, or farm (attach detailed statement)

\$ N/A\$ N/A

TOTAL MONTHLY EXPENSES

\$ N/A\$ N/A

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes ( ) No ☒ If yes, describe on an attached sheet.

10. Have you paid or will you be paying an attorney any money for services in connection with this case, including the completion of this form? Yes ( ) No ☒

If yes, state the attorney's name, address, and telephone number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Have you paid - or will you be paying- anyone other than an attorney (such as a paralegal or typist) any money for services in connection with this case, including the completion of this form?

Yes \_\_\_\_\_ No ☒

If yes, how much? \$ \_\_\_\_\_

If yes, state the person's name, address, and telephone number:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

At this time I do not have the money on  
my inmate account. I only have \$4.56, If  
you approve I could send you an institutional check  
for \$4.56.

13. State the address of your legal residence.

SCI-Fayette, 50 Overlook Drive, Box 9999  
LaBelle, PA 15450-0999

Your daytime phone number: \_\_\_\_\_

N/A

Your age: 37 going on 38 Your years of schooling: 8<sup>th</sup> grade (G.E.D from P.R.)

Your Social Security number: 206-48-7763

I declare under the penalty of perjury that the foregoing is true and correct:

Domingo Colon Montanez

(Petitioner's Signature or Signature of Petitioner's Representative)

Executed on 03/20/2007  
(DATE)

CERTIFICATION

I hereby certify that the petitioner herein has the sum of \$\_\_\_\_\_ on account to his credit at the \_\_\_\_\_ Institution where he is confined. I further certify that petitioner likewise has the following securities to his credit according to the records of said \_\_\_\_\_

Institutions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
AUTHORIZED PRISON OFFICIAL

\_\_\_\_\_  
DATE